



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,475	03/30/2000	Masao Tokita	Q58571	8142

7590 12/09/2003
Sughrue Mion Zinn Macpeak & Seas PLLC
2100 Pennsylvania Avenue N W
Washington, DC 20037

EXAMINER

NGUYEN, THUKHANH T

ART UNIT PAPER NUMBER

1722

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/538,475

Applicant(s)

TOKITA, MASAO

Examiner

Thu Khanh T. Nguyen

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 23-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-32 and 41 is/are allowed.
- 6) ☒ Claim(s) 33-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s), _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al (6,227,836) in view of Korsch et al (5,635,223).

Kato et al disclose an apparatus for forming tablets, comprising a mold conveyor system (3) for supporting and conveying the mold with a lower press core fitted in the mold bores (Fig. 3F, 16, 17), a rotary powder filling mechanism (2) located at a powder filling position along a transportation path of the conveyor system (Figs. 2 & 7), a press unit (14) with an upper and lower press member (16, 17) for compacting the powder material. Wherein the filled mold is conveyed out of the powder filling position and a new mold with no powder material being loaded is conveyed to the powder filling station (col. 2, lines 35-49).

Kato further discloses that the powder filling mechanism (2) comprising a hopper (11) and movable filling shoes (6), a trickle mechanism for strickling excess material off the top surface of the mold (col. 5, lines 21-25), a support plate (12, 2) having a top surface and a hole sized to receive the upper end of the mold (Fig. 3B-C), a hopper with a plurality of filling shoe (11, 6) having a bottom surface to be movable on top surface of the support plate (12, 2), with the bottom surface being in contact with the top surface of the support plate (Fig. 3A), wherein the hopper (11, 6) having a bottom opening corresponding with the bore of the mold (Fig. 3B, 6-

7). The hopper, or filling shoes are movable between a first position at which the bottom opening is closed by the support plate (Fig. 3A, 12) and a second position at which the filling shoes are aligned with the hole in the support plate (Fig. 3b) to complete the filling process.

However, Kato fails to disclose that the support plate having holes to received the molds.

Korsch et al disclose a device for fixing the dies in the die table of the tableting machines, comprising a die table, or a support table (4) having a plurality of through holes (11) for supporting a plurality of replaceable dies (10) so that the dies could be rapidly removed upon wear or to exchange with other size.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Kato et al by providing a plurality of separate dies replaceable in the support table as taught by Korsch et al, because the replaceable dies would enable the dies could be exchanged quickly during the molding process and without replacing the whole support table when the dies are worn out.

Allowable Subject Matter

3. Claims 23-32 and 41 are allowed over the prior art.
4. The following is a statement of reasons for the indication of allowable subject matter:

In regard to claims 23-32, the prior art fail to teach or suggest an apparatus for automatically loading a desired amount of powder material into a mold having a mold conveyor system comprises a guide rail, a carrier movable along the guide rail capable of supporting for vertical displacement the mold with the lower press core fitted in the bore of the mold; a powder

Art Unit: 1722

filling system comprises a hopper located above a transportation path of the carrier and a strickle mechanism to level of a top surface of the mold; and a press unit with upper and lower press.

The prior art also fails to teach or suggest an apparatus for automatically loading a desired amount of powder material into a mold having a mold conveyor system including a guide rail, a movable base moved along the guide rail and having a number of holes formed therein and arranged inline, each of the holes being adapted to be aligned with the bore of the mold; a stop member attached to the movable base for limiting upward displacement of the mold; and a drive unit for driving the movable base.

In regard to claim 41, the prior art fails to teach or suggest a powder filling mechanism, comprising a support plate having a top surface and a hole for receiving an upper end of the mold, wherein the upper end of the mold is fitted in the hole without any substantial clearance therebetween and with the top surface of the support place and the top surface of the mold being flush with each other; a hopper with a bottom surface contacted with the top surface of the support plate; wherein the hopper having a bottom opening for dispensing powder material, which opens at the bottom surface and has a size equal to or greater than that of the top opening of the bore of the mold; wherein the hopper is movable along a straight path on top of the supporting plate between first and third positions at which the opening of the hopper is closed by the supporting plate; and a second position during a stroke between the first and third positions, at which the bottom opening of the hopper is aligned with the hole in the support plate, and the filling is completed by a single stroke of the hopper from the first and third positions to the other.

Response to Arguments

5. Applicant's arguments with respect to claims 33-40 have been considered but are moot in view of the new ground(s) of rejection.

Korsch et al disclose that the replaceable molds placed in the supported table are well known in the tableting industry. Therefore, it would be obvious to a skilled artisan to improve Kato et al by providing the replaceable molds, so that the molds could be replaced for any reason without replacing the whole die table.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 571-272-1136. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 703-308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

TN


ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1800 1700

12/1/02